

SOP-13007
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**Comments of the Tennessee Farm Bureau Federation Regarding Permit
Number SOP-13007 for the Operation of a Dairy Facility by Nash Dairy
Company**

The Tennessee Farm Bureau Federation is a general farm organization representing farmers across the state with a diverse range of commodities. We appreciate the opportunity to provide comments regarding this permit proposal.

The Farm Bureau has been involved on behalf of our members in the regulatory framework regarding Concentrated Animal Feeding Operations (CAFO) since the state developed a permit process in 1999. From the beginning we were supportive of a procedure for livestock, poultry and dairy producers to prove the construction and operation of their facilities meet federal and state water quality laws. We were instrumental in helping to pass legislation that for the first time recognized CAFOs in the state water quality control act and we were involved in the regulatory process that followed. Tennessee has and remains more stringent than the federal Clean Water Act regulations. Our regulations were designed to wholly regulate the smallest to largest type of operations. The state of Tennessee continues to require its farmers to operate through more regulatory hurdles than the U.S. government and many surrounding state governments. This has not been easy for many family farmers. It is expensive, time consuming, labor intensive, and redundant. Our process has even caused expansion in certain animal industries to locate in other states because our regulations are so stringent.

However, even though we believe many of Tennessee's regulations are over burdensome the fact remains that a CAFO operating under a Tennessee permit has met a very high standard. We believe the CAFO permit process goes well beyond what is needed to protect the public's water resources and by coming to Tennessee, Mr. Nash has agreed to meet that high standard set in the proposed permit.

Dairy operations like the Nash Dairy farm can operate in Tennessee without posing risks to water quality and the local community. Waste management techniques and dairy cattle management used in other parts of the nation have proven this type and size of operation can exist within the regulations of the federal Clean Water Act and the state Water Quality Control Act.

This is a no discharge permit meaning wastes of any type or any amount cannot leave the farm and enter into state waters during normal operations. Mr. Nash is prohibited from discharging any wastes during the normal operation of the facility. To keep from elaborating section by section of the 32 page permit document, we will just simply say that overall this permit achieves the no discharge standard. The only circumstance that allows a discharge is overflow from a 25 year – 24 hour storm event which is a federal standard. Mr. Nash doubled that standard and intends to build his storage capacity to meet a 50 year – 24 hour storm design. I encourage the state to recognize that his permit application outlines a waste management system that exceeds your own guidelines and provides more than enough storage space,

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secondary containment, stormwater diversion and management techniques to achieve no discharge.

We believe the state has outlined more than adequate requirements for land application of nutrients. The state requires site specific nutrient management plans which ensure nutrients are applied at agronomic rates. The operation must have a field specific assessment of transport potential of phosphorus and nitrogen and buffer zones around waters and conduits to water must be used. By requiring land application best management practices, a nutrient management plan, soil testing, manure analysis, and records of these practices for 5 years, any discharge from land application will be virtually non-existent.

Overall, this permit is sound and meets all of the criteria outlined in state regulations.

Lastly I want to point out the economic necessity for issuing this permit. The dairy industry in Tennessee is extremely important to the agricultural economy of this state and the economies of rural communities. We believe the state of Tennessee should promote and encourage the expansion of dairy production. Dairy products are an essential part of everyone's diet and there is potential for local dairy production to increase in this state.

Tennessee is a milk deficit state meaning Tennesseans consume more dairy products than what is produced in Tennessee. We have seen the number of dairy farms dwindle from 2,300 in 1994 to just under 400 today, an 83% decrease. Bedford County followed the same trend. The county had over 5,700 milk cows in 1994 and fell to roughly 1,000 in 2011, an 82% drop. There are a wide variety of reasons for this decline. However, part of this decline can be attributed to environmental regulations. I didn't point this out to condemn these regulations but to make clear that regulations changed the economics of dairy production. Dairy farmers had to change and now they look like Mr. Nash's proposed dairy. With new technology, feed management, environmental management and new facility design we believe this sector that was common in many rural communities can return to Tennessee. But those facilities will not look like they did twenty years ago and will not be the size they were twenty years ago.

We urge the Tennessee Department of Environment and Conservation (TDEC) to consider the potential economic and community benefits of this type of dairy operation. The size of this dairy operation is relative to many new dairies operating in other parts of the country in an environmentally safe manner.

We urge the department to issue this permit because it protects water quality and allows a Tennessee dairy producer to provide jobs and economic activity to this community. Thank you again for the opportunity to offer our comments.

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